

RESOLUTION NO. 03- 182

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM BY TOWN EMPLOYEES; AUTHORIZING THE TOWN MANAGER TO EXECUTE APPROPRIATE DOCUMENTS RELATING TO ENROLLMENT ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Miami Lakes desires to extend to the employees and officials of the Town, not excluded by law, the benefits of the Florida Retirement System (“FRS”), in accordance with applicable State laws and regulations; and

**WHEREAS**, the Town Council finds that extending the benefits of the Florida Retirement System to the Town’s employees and officials is in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Membership in FRS.** All Town officials and employees, except those excluded by law, shall participate in the Florida Retirement System as authorized by Chapter 121, Florida Statutes. Withholding from salaries, wages and other compensation of employees and officials is hereby authorized to be, and shall be made, in the amounts and at such times as required by applicable State law or regulations.

**Section 3.** The Town Manager or designee is authorized and directed to execute all necessary documents and agreements with the Administrator of the Florida Retirement System on behalf of the Town, including the “State-Town of Miami Lakes Agreement” attached as Exhibit “A.” The Town Manager or designee is further directed to keep such records and make such reports the Administrator of the Florida Retirement System as may be required by applicable law and regulations.

**Section 4.** In accordance with Town Ordinance Number 03-40 approving the Town budget for Fiscal Year 2003-2004, there shall be appropriated from the Town's general funds such amounts as may be required to promptly pay the contribution and assessments required of the Town, as employer, by applicable State laws or regulations, which shall be paid over to the Administrator of the Florida Retirement Systems at the times and in the manner provided by law or regulations.

**Section 5.** The Town Manager or designee is hereby designated as the custodian of all sums withheld from the compensation of the Town's officers and employees as provided for by this Resolution and the appropriated funds for the employer contributions. The Town Manager or designee is further designated as the withholding and reporting agent for the Town.

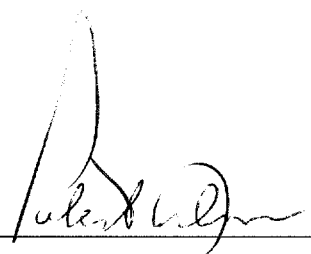
**Section 6. Effective Date.** This resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 9<sup>th</sup> day of December, 2003.

Motion to adopt by Collins, second by Thomson.

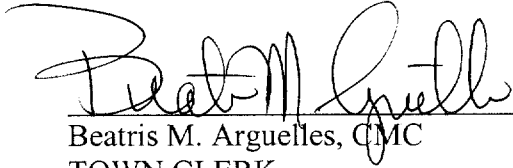
FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>Absent</u>
Vice Mayor Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>


  
Roberto Alonso  
VICE MAYOR

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ATTEST:

  
\_\_\_\_\_  
Beatris M. Arguelles, CMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza, Guedes,  
Cole & Boniske  
TOWN ATTORNEY

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# EXHIBIT "A"

STATE-TOWN OF MIAMI LAKES AGREEMENT NO. \_\_\_\_\_

The Department of Management Services, Division of Retirement, of the State of Florida, under the Authority of Chapter 121, Florida Statutes, and Town of Miami Lakes, herein referred to as "Town of Miami Lakes", in order to extend to officials and employees of said Town of Miami Lakes (except such as are hereinafter excluded) the benefits of the Florida Retirement System established by Chapter 121, Florida Statutes, hereby agree as follows:

1. Definitions:

For the purpose of the Agreement -

- (a) The definitions, words and phrases as set out in Section 121. 021, Florida Statutes, shall have the respective meaning set forth therein.

2. Services Covered:

This agreement includes and covers all services performed by officers and employees of this Town of Miami Lakes except any service, position, employee or official excluded by Chapter 121, Florida Statutes, the rules and regulations of the Florida Retirement System, or Resolution No. 03-182 adopted by the Town of Miami Lakes on the 9<sup>th</sup> day of December, 2003.

3. Contributions by Employees:

The Town of Miami Lakes agrees to impose upon its employees covered by this Agreement the required contributions with respect to wages if such services constituted employment within the meaning of Chapter 121, Florida Statutes, and to deduct the amount of such required contributions from the wages as and when paid. Contributions so collected shall be paid to the Administrator of the Retirement System in partial discharge of the liability of said Town of Miami Lakes, said payments to be made in accordance with rules and regulations relating to the Florida Retirement System. It is agreed and understood that the failure of said Town of Miami Lakes to deduct such contributions shall not relieve it of liability therefor.

4. Contributions by the Town of Miami Lakes:

(a) The Town of Miami Lakes represents that it has duly and legally adopted, and that there is now in full force and effect, an ordinance requiring an appropriation from available funds in its general or special funds derived from ad valorem tax or other sources, which shall be in an amount not less than the sums withheld as the contributions of employees covered by the Agreement, the sum to equal the total amount due from said Town of Miami Lakes (employer's and employee's contributions) under applicable provisions of Chapter 121, Florida Statutes.

(b) As assurance of its ability to pay its share of the contributions which will become due and payable to the Administrator under the terms of this Agreement and as assurance that said contributions will be adequate, the Town of Miami Lakes hereby obligates itself to maintain, and represents that at all times hereafter there will be maintained, in the appropriation provided in paragraph 4.(a), above, a sum fully sufficient to pay its share of the contributions: and that same (together with contributions deducted from salaries, wages, etc., of employees) will be paid promptly when due.

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5. Reports-Compliance with Regulations:

The Town of Miami Lakes agrees that it will make such reports, in such form and containing such information, as the Administrator may require. The Town of Miami Lakes further agrees that it will comply with all provisions of Chapter 121, Florida Statutes, and with all rules and regulations adopted and promulgated by the Administrator of the Florida Retirement System necessary to carry out the purposes of Chapter 121, Florida Statutes. It is further understood and agreed that late payments come under provisions of Section 121.061, paragraphs (2) (a), (b), and (c), Florida Statutes.

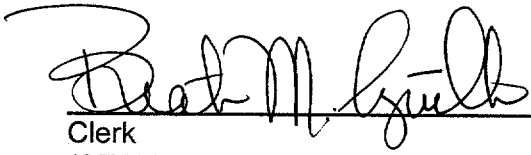
6. Termination:

Once this agreement is made and approved it may not be revoked and all present officers and employees electing coverage under this agreement and all future officers and employees shall be compulsory members of the Florida Retirement System.

This Agreement shall be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Interim Director of the Division of Retirement

  
\_\_\_\_\_  
Clerk  
(SEAL)

  
\_\_\_\_\_  
Town of Miami Lakes

By Alex Rey

Title Town Manager